

1. **Plaintiff** (*name or names*): SCOTT MARTZEN and MEGAN MARTZEN  
alleges causes of action against **defendant** (*name or names*): KARMJIT SINGH; PARMINDER SINGH; and DOES 1 to 25,  
inclusive
2. This pleading, including attachments and exhibits, consists of the following number of pages: 8
3. Each plaintiff named above is a competent adult
- a. ☐ **except** plaintiff (*name*):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (*describe*):
- (3) ☐ a public entity (*describe*):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (*specify*):
- (5) ☐ other (*specify*):
- b. ☐ **except** plaintiff (*name*):
- (1) ☐ a corporation qualified to do business in California
- (2) ☐ an unincorporated entity (*describe*):
- (3) ☐ a public entity (*describe*):
- (4) ☐ a minor ☐ an adult
- (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
- (b) ☐ other (*specify*):
- (5) ☐ other (*specify*):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. ☐ Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☐ **except** defendant (*name*):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (*describe*):  
  
 (4) ☐ a public entity (*describe*):  
 (5) ☐ other (*specify*):
- c. ☐ **except** defendant (*name*):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (*describe*):  
  
 (4) ☐ a public entity (*describe*):  
 (5) ☐ other (*specify*):
- b. ☐ **except** defendant (*name*):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (*describe*):  
  
 (4) ☐ a public entity (*describe*):  
 (5) ☐ other (*specify*):
- d. ☐ **except** defendant (*name*):  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (*describe*):  
  
 (4) ☐ a public entity (*describe*):  
 (5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1-25 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1-25 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☒ at least one defendant now resides in its jurisdictional area.
- b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
- d. ☐ other (*specify*):
9. ☐ Plaintiff is required to comply with a claims statute, **and**
- a. ☐ has complied with applicable claims statutes, **or**
- b. ☐ is excused from complying because (*specify*):

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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (*specify*):

Exemplary Damages Attachments; Negligent Infliction of Emotional Distress; Loss of Consortium Attachment

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Exemplary Damages; Loss of Consortium; Serious Emotional Distress; Funeral related expenses as well as loss of care, comfort, love, companionship, assistance, protection, affection, society, moral support, gifts, benefits, household services, and financial support of Plaintiffs' son, Maverick Martzen.

12. ☒ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☒ as follows:

Plaintiffs, Scott Martzen and Megan Martzen, are the parents of decedent, Maverick Martzen.

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Checked paragraphs 1-14 of this Complaint; Motor Vehicle Cause of Action; Negligent Infliction of Emotional Distress Cause of Action; Loss of Consortium Attachment; Exemplary Damages Attachments.

Date: 2/28/19

ADAM B. STIRRUP

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST

(number)

**CAUSE OF ACTION—Motor Vehicle**ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

Plaintiff (name): SCOTT MARTZEN and MEGAN MARTZEN

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): February 23, 2019

at (place): or near the intersection of Rose Avenue and Bethel Avenue in the County of Fresno, State of California.

## MV- 2. DEFENDANTS

- a. ☒ The defendants who operated a motor vehicle are (names):  
KARMJIT SINGH; and

☒ Does 1 to 10, inclusive

- b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):  
KARMJIT SINGH; PARMINDER SINGH; and

☒ Does 11 to 25, inclusive

- c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
KARMJIT SINGH; PARMINDER SINGH; and

☒ Does 11 to 25, inclusive

- d. ☒ The defendants who entrusted the motor vehicle are (names):  
KARMJIT SINGH; PARMINDER SINGH; and

☒ Does 11 to 25, inclusive

- e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
KARMJIT SINGH; PARMINDER SINGH; and

☒ Does 11 to 25, inclusive

- f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does \_\_\_\_\_ to \_\_\_\_\_Page 4

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SECOND  
(number)**CAUSE OF ACTION—General Negligence**Page 5ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): SCOTT MARTZEN and MEGAN MARTZEN

alleges that defendant (name): KARMJIT SINGH; and

☒ Does 1 to 25, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): February 23, 2019

at (place): or near the intersection of Rose Avenue and Bethel Avenue in the County of Fresno, State of California.

*(description of reasons for liability):*

1. PLAINTIFF, MEGAN MARTZEN ALLEGES THAT SHE SUFFERED SERIOUS EMOTIONAL DISTRESS AS A RESULT OF PERCEIVING THE DEATH OF HER SON, MAVERICK MARTZEN, AND INJURIES TO HER HUSBAND, SCOTT MARTZEN.
2. PLAINTIFF, SCOTT MARTZEN ALLEGES THAT HE SUFFERED SERIOUS EMOTIONAL DISTRESS AS A RESULT OF PERCEIVING THE DEATH OF HIS SON, MAVERICK MARTZEN, AND INJURIES TO HIS WIFE, MEGAN MARTZEN.
3. ON FEBRUARY 23, 2019, DEFENDANTS NEGLIGENTLY CAUSED THE DEATH OF MAVERICK MARTZEN AND INJURIES TO PLAINTIFFS, SCOTT MARTZEN AND MEGAN MARTZEN, AS SET FORTH IN THE MOTOR VEHICLE CAUSE OF ACTION HEREIN.
4. PLAINTIFFS WERE PRESENT AT THE SCENE OF THE INJURIES WHEN THEY OCCURRED AND WERE EACH AWARE THAT SCOTT MARTZEN, MEGAN MARTZEN AND MAVERICK MARTZEN WERE BEING INJURED BY DEFENDANTS' NEGLIGENCE AS SET FORTH IN THE MOTOR VEHICLE CAUSE OF ACTION HEREIN.
5. AS A RESULT OF DEFENDANTS', AND EACH OF THEIR, NEGLIGENCE, PLAINTIFFS, MEGAN MARTZEN AND SCOTT MARTZEN SUFFERED SERIOUS EMOTIONAL DISTRESS.
6. DEFENDANTS', AND EACH OF THEIR, CONDUCT WAS A SUBSTANTIAL FACTOR IN CAUSING PLAINTIFFS', MEGAN MARTZEN AND SCOTT MARTZEN SERIOUS EMOTIONAL DISTRESS.

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LOSS OF CONSORTIUM ATTACHMENT

LOC-1. Plaintiffs incorporate the allegations contained in the First Cause of Action for Motor Vehicle herein as if set forth in their entirety.

LOC-2. At all times relevant, Plaintiffs, SCOTT MARTZEN and MEGAN MARTZEN, were lawfully married to each other. As a result of the acts and omissions of defendants, and each of them, as previously described herein, Plaintiffs sustained injuries and damages which, in turn, have caused each other damages in the loss of companionship and services of their spouses including, but not limitation, the loss of love, companionship, comfort, care, assistance, protection, affection, society, moral support, and/or the loss or diminution in the enjoyment of sexual relations with their spouses.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers): All

This page may be used with any Judicial Council form or any other paper filed with the court.

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**Exemplary Damages Attachment**Page 7ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant (name): KARMIJIT SINGH

Plaintiff alleges defendant was guilty of

- ☒ malice  
☐ fraud  
☒ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

- I. Plaintiffs adopt and incorporate herein by reference the First Cause of Action for Motor Vehicle.
- II. Before the subject accident, Defendant, Karmjit Singh, voluntarily consumed alcoholic beverages and/or other substances to the point of intoxication which rendered his Blood Alcohol Content (BAC) above the legal limit of .08 and sharply impaired his physical and mental abilities.
- III. Defendant, Karmjit Singh, knew that he was going to operate a motor vehicle when he started consuming alcohol and/or other substances.
- IV. Knowing that he was intoxicated, Defendant, Karmjit Singh, decided to operate a motor vehicle in that intoxicated condition and drove at 100 mph, in excess of the posted speed limit, ran a stop sign, and violently collided with Plaintiffs' vehicle.
- V. In today's society, it is common knowledge that driving under the influence of alcohol and/or other substances presents a substantial danger to the motoring public. Defendant, Karmjit Singh, was also specifically aware of this because he had been previously convicted of driving under the influence in 2016, and was driving on a suspended license as a result of this prior conviction at the time of this accident. Accordingly, Defendant, Karmjit Singh, was aware of the probable consequences of operating a motor vehicle in an intoxicated condition. Nevertheless, Defendant, Karmjit Singh, willfully and deliberately failed to avoid those consequences, acting with a conscious disregard for the safety and rights of other motorists, including Plaintiffs.

EX-3. The amount of exemplary damages sought is

- a. ☒ not shown, pursuant to Code of Civil Procedure section 425.10.
- b. ☐ \$

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**Exemplary Damages Attachment**Page 8ATTACHMENT TO ☒ Complaint ☐ Cross - ComplaintEX-1. As additional damages against defendant (*name*): PARMINDER SINGH

Plaintiff alleges defendant was guilty of

☒ malice☐ fraud☒ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Plaintiffs adopt and incorporate by reference the First Cause of Action for Motor Vehicle and the Exemplary Damages Attachment allegations against Defendant, Karmjit Singh herein.

On February 23, 2019, Defendant, Karmjit Singh, was driving a 2012 BMW 750i that was owned and or otherwise controlled by Defendants, Parminder Singh, and DOES 11-25, inclusive.

Prior to the subject accident, Defendants, Parminder Singh, and DOES 11-25, inclusive, knew that Defendant, Karmjit Singh was unfit and unqualified to operate said vehicle because he regularly drove under the influence of alcohol and/or other substances, was previously convicted of driving under the influence in 2016, had his license suspended as a result of this prior conviction, was going to consume alcohol and/or other substances on the date of the subject accident, was going to operate said vehicle in an intoxicated condition, and willfully and knowingly failed to take actions to make sure Defendant, Karmjit Singh would operate said vehicle safely.

Despite this knowledge, Defendants, Parminder Singh, and DOES 11-25, inclusive, and each of them, willfully and knowingly permitted said vehicle to be used by Defendant, Karmjit Singh on the date of the subject accident in willful and conscious disregard for the rights and safety of other motorists, including Plaintiffs, and were aware of the probable dangerous consequences of permitting said vehicle to be used by Defendant, Karmjit Singh on the date of the subject accident despite being unfit and unqualified to operate said vehicle.

Due to Defendant, Karmjit Singh being unfit and unqualified to operate said vehicle, said vehicle was caused to be driven at 100 m.p.h. in excess of the posted speed limit, run a stop sign and violently collides with Plaintiffs' vehicle killing Plaintiffs' decedent and causing Plaintiffs to sustain serious and life threatening injuries and causing them to incur related damages to be proved at the time of trial.

The aforementioned conduct was despicable and carried on by Defendants, Parminder Singh, and DOES 11-25, inclusive, and each of them, with a willful and conscious disregard of the rights or safety of others, with extreme indifference to Plaintiffs' rights and an awareness of the probable dangerous consequences of their and Defendant, Karmjit Singh's conduct, which Defendants willfully failed to avoid.

EX-3. The amount of exemplary damages sought is

a. ☒ not shown, pursuant to Code of Civil Procedure section 425.10.b. ☐ \$